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## Italy

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### Italy One Step Closer to Biotech Cultivation

#### Report Categories:

Biotechnology

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#### Report Highlights:

The Council of State ordered Italy's Ministry of Agriculture to publish procedures that would allow Italian farmers to grow biotech crops. This order is a necessary first step to open the way for biotech cultivation in Italy. The Ministry of Agriculture, however, is expected to continue to block any progress on the introduction of much needed modern agricultural production technology in Italy.

#### General Information:

##### The Court's Ruling

Italy's highest appeals court ordered the Ministry of Agriculture to issue procedures for biotech crop cultivation within 90 days. In its ruling, the Council of State instructed the Ministry of Agriculture to publish the procedures necessary for Italian farmers to apply for authorization to grow biotech crops. The Council of State's ruling modifies an earlier decision by the Italian Constitutional Court from March 2006 that stated only Italy's regions can develop coexistence legislation. In recent years, biotech approval in Italy has stalled as regional governments debated different proposals for

coexistence measures. The court's ruling means that the national government can no longer delay approval procedures based on the slow pace of regional legislation.

The court's ruling did not consider the legality of biotech crop cultivation or the merits of any coexistence proposals. It was an administrative ruling, focused solely on the Ministry's delay in publishing authorization procedures for crops that the European Union (EU) has already approved for cultivation. As a member of the EU, Italy is required to allow biotech cultivation for approved varieties, but it has maintained a moratorium on biotech cultivation for the past ten years. Italy's failure to allow biotech cultivation has been a major set back for Italy's agriculture industry. The continued decline in agricultural biotechnology research in Europe calls into question the EU's ability to meet the agricultural challenges of the 21st century.

The case was brought to the Council of State by Futuragra, a pro-biotech farming association located in the Friuli-Venezia Giulia region of northern Italy.

### **Industry's Response**

Futuragra applauded the decision and expects Italian farmers to be able to plant biotech crops by April. Italy's largest industrial farming organization, Confagricoltura, stated that the ruling had "ended an impasse." Other industry groups condemned the decision, including Italy's main farmers' organization Coldiretti, which warned about the dangers of biotechnology. Coldiretti's expert on biotechnology Stefano Masini suggested that the court's decision is limited to one particular case and does not mean an automatic lifting of Italy's ban on biotech crops in general.

### **The Government's Response**

Minister of Agriculture Zaia heavily criticized the court's decision, stating that "it fails to take into account the will of the Italian people and most Europeans, who want quality, traceability and transparency.[WHICH IS AT BEST DEBATABLE SEE CITE CYNDI'S REPORT]" The Ministry of Agriculture promised to consider the ruling, but it is unlikely that it will issue the legislation necessary to allow biotech cultivation any time soon. Rather, as Minister Zaia stated at the G8 in Treviso, his opposition to biotechnology is based on his personal belief that biotechnology is not compatible with the Made in Italy concept, which is marketed as being organic, natural, and traditional—although that is not the case as many so-called Made in Italy products are neither made in Italy and contain GMOs..

The Ministry of Agriculture stated that authorization would depend on the opinion of a technical commission. Since technical rules on biotech cultivation remain undefined in Italy, that ruling will mostly likely be unfavorable. In response to the court's decision, Senators from different government and opposition parties proposed new legislative amendments to prohibit biotech cultivation until regional authorities adopt coexistence plans. Proponents of such legislation argue that biotech approval should fall to political and public approval rather than singularly the choice of the judiciary.

Some government and industry sources expect Minister Zaia to invoke the safeguard clause to maintain Italy's ban on biotech crops. This is likely the only way for Italy to legally prohibit biotech cultivation following the Council of State's ruling. The EU's regulation on biotechnology allows Member States to prohibit biotech cultivation, subject to immediate review of the Member State's specific scientific concerns regarding risk to public health or the environment.

**Italian Regulation**

The Ministries of Agriculture, Health, and Environment control Italy's biotech policy and each minister has essentially held veto power over biotech approval since 2003. [1] While the Ministries of Health and Environment have been pro-biotech since 2007, Italy's Ministry of Agriculture remains staunchly opposed to biotechnology. The Ministry of Agriculture controls registration of seed varieties and maintains the lowest possible tolerance level for adventitious presence of biotech seed. Although most Italian regions have declared themselves to be "GM-free," some regions appear open to biotechnology, including Lombardy and Friuli-Venezia Giulia – both located in northern Italy.

<sup>[1]</sup> Legislative Decree 334/2003. For more information see GAIN IT8041.